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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,072	04/08/2002	Curt FALK	P67777USO	6972

136 7590 07/27/2004

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,072

Applicant(s)

FALK, CURT

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-18 is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 3679

1. Text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed June 23, 2004 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 22, 2004 has been entered.

Drawings

3. The drawings are objected to because they fail to show a workable "pump mechanism, responsive to said outer sleeve rotating relative to said shaft, for pumping liquid" as recited claim 8, lines 9 & 10 and claim 19, lines 14 & 15. In the amendment filed April 22, 2004, applicant argues that the pump mechanism recited in the claims is enabled by US 5,069,320 ('320). If that is so, then the pump in the instant drawings should look like the pump in '320.
4. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

Art Unit: 3679

sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because at page 3, lines 23+, the sleeve 20 is described as being "able in principle to rotate free from contact with the plasticized surface layer [50] subsequent to relative rotation between the sleeve [20] and the shaft [10]." In effect, the specification is saying that under certain unspecified conditions the sleeve 20 can rotate relative to the surface layer 50 without the sleeve 20 rotating relative to the shaft 10. If the surface layer 50 is a part of the shaft 10 (see page 5, lines 11 & 12), then how can the sleeve 20 rotate relative to the sleeve 50 without also rotating relative to the shaft 10?

6. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) (see also MPEP §§ 2163.06III and 2163.07) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:

- a. Claim 8, lines 13+: "said shaft sleeve having a plasticizing limit which is lower than a plasticizing limit of said outer sleeve inner surface"

Art Unit: 3679

- b. Claims 10-12, 18, 21 & 22: all limitations therein
- c. Claims 14, 17, 24 & 27: "grooves disposed around a circumference of said shaft sleeve"
- d. Claim 16, lines 4+ and claim 26, lines 4+: all limitations therein
- e. Claim 19, line 2 "removable"
- f. Claim 19, lines 3 & 4: "a first plasticizing limit"
- g. Claim 19, lines 8 & 9: "a second plasticizing limit higher than said first plasticizing limit"

Claim Rejections - 35 USC § 112

7. Claims 19-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There does not appear to be a written description in the application as originally filed of limitations at claim 19, lines 18+: "said outer surface layer undergoing plasticization to allow said sleeve to rotate free from contact with said shaft in the event said pump mechanism pumps insufficient liquid to said interface". Applicant states in the amendment filed April 22, 2004 that the limitations are supported at page 2, lines 14-16 & 25-31 and page 3, lines 19-25. However, the disclosure at page 2, lines 14-16 is a nothing more than a discussion of prior art. The discussion at lines 25-31 does mention pump malfunction, but there is no mention of the sleeve

Art Unit: 3679

20 rotating free of the shaft 10 when said malfunction occurs. The summary at page 3, lines 19-25 is nonsensical (see item 4 above) and does not even mention pump malfunction.

8. Claims 19-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 19, lines 18-21 recites the limitation, "said outer surface layer [50 of the shaft 10] undergoing plasticization to allow said sleeve [20] to rotate free from contact with said shaft [10]". The limitation contradicts the description at page 5, lines 22 & 23 which states that the relative rotation between the sleeve 20 and the shaft causes (i.e. allows) the surface layer 50 to plasticize. Which is true - relative rotation causes plasticization OR plasticization allows relative rotation?

Allowable Subject Matter

9. Claims 8-18 are allowed because the prior art fails to show a torque-limiting coupling device comprising all the limitations of claim 8.

- a. Greve et al, US 3,193,068 shows show a torque-limiting coupling device comprising some of those limitations, but fails to show or suggest a pump mechanism that is responsive to relative rotation between the shaft 22 and the sleeve 24.
- b. Falk, US 5,069,320 fails to show or suggest a shaft surface layer with a plasticizing limit which is lower than the plasticizing limit of a surrounding outer sleeve.

Art Unit: 3679

Response to Arguments

10. Applicant's arguments filed April 22, 2004 have been fully considered but they are not persuasive. Applicant argues the specification objections in item 6 above should be withdrawn because each of the noted claim limitations is mentioned in the background and/or summary section of the application. However, those limitations are not described in the detail description of the invention. A summary is no substitute for a detailed description as is clearly stipulated in 37 CFR 1.73 where it is stated that a summary "should precede the detailed description", not replace it.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



GREGORY J. BINDA
PRIMARY EXAMINER